

5. The specification has been amended to provide a clear antecedent basis for the claims 7, 11 and 18.

6. The claim objections are well taken and applicants believe that the claims 21-40 now incorporate all of helpful suggestions of the Examiner with a few additional "the" and the like changed to --a-- or --an--.

7.8. Claims 21, 24, 32, and 35 are believed to be patentable under 35 USC 102(e) and not anticipated by Richardson. Applicants' invention is primarily directed toward disposable covers for keyboards used in dental and medical fields to maintain the sterility of the keyboards and disposed of after each patient to prevent contamination from one patient to the next patient. The package of applicants' covers are stored away from any contamination, i.e., remote from the keyboard and remote from the patient. For example, when a dentist or hygienist has finished with a patient, a cover of this invention is removed, dentist (or other) washes hands, removes new cover from package, and places same about keyboard. Contrasted thereto is Richardson whose entire device and roll of film 4 is subject to bacteria and contaminants from one patient to another if Richardson would ever be used in the dental or medical field. While Richardson is certainly an improvement over no keyboard cover, his covers and device do not provide the enhanced protection of the sterility of the keyboard afforded by the herein disclosed invention. In FIGS. 1 and 1a of Richardson a serrated edge 10 is even provided so that one may tear off the old cover 6 after having at least contaminated roller 8 and cutter 10. Also, Richardson's sides are completely open thereby making the keyboard, etc., more likely to be contaminated.

} Function

Claim 21, now calls for, inter alia,

"A package of disposable transparent covers individually formed of a predetermined size for protecting the sterility of a keyboard. . . each cover comprising at least one transparent sheet. . . of a predetermined size",

which are not believed to be found in Richardson. While Richardson does provide other covers after the first is pulled and cut off, as in FIGS. 1 and 1a, or pulled and rolled up on roll 12 in FIGS. 2 and 2a, the roll 4 of continuous plastic film hardly can be stated to be a package of individually formed covers of a predetermined size. Even if Richardson were determined to be a "package", the covers are not individually formed of a predetermined size.

As to Claims 24 and 35, it is to be noted that stretcher 3 of Richardson is part of a frame structure and has a shape similar to an hourglass which clearly does not cover the bottom of the keyboard nor is it a transparent sheet as called for in the claims 1 and 4. Furthermore, the entire keyboard is uncovered in Richardson and is open along each of the opposite sides of the keyboard.

Reconsideration of the rejection of Claims 21, 24, 32 and 35 is believed appropriate in view of the above remarks. If the Examiner has any suggestions as to proposed changes to these claims which would more clearly define over Richardson, such suggestions would be most welcomed.

9. 10. Claims 22, 23, 33 and 34 are believed to be patentable under 35 USC 103(a) over Richardson, as set forth above with respect to Claims 21, 24, 32 and 35, and in view of Morse. Richardson does not teach the structure recited except for the strips of adhesive. Morse is a molded telephone keypad cover design for extended time uses with adhesive strips to secure such molded cover to the telephone housing. Certainly Morse is not designed to be connected, used for a single patient, removed and discarded. Nor would Morse obviously teach one of ordinary skill in the art to reconstruct Richardson to somehow provide adhesive strips to the back surface of the transparent sheet 6 to then somehow attach such sheet 6 to the keyboard. While the Examiner states "in order to provide better securing of the cover to the keyboard", such statement would seem to be directly contrary to the completely unconnected cover sheet of Richardson to the keyboard, i.e., any such attachment of Morse would necessarily impede the intended purpose and operation of Richardson. Is the Examiner suggesting that the entire roll of Richardson contain the adhesive strips of Morse? Applicants say nay.

11. Claims 25-27 and 36-38 are believed to be patentable under 35 USC 103(a) over Richardson as applied above with respect to Claims 21, 24, 32 and 35, and over Nopper et al and Weill et al. Nopper et al discloses a silicone rubber preformed

repeatedly used cover for a keyboard which may be stretched over the keyboard and extend over the sides and ends to a position below the keyboard and a metal or rigid plastic plate is screwed into the keyboard housing to sandwich or compress the tail piece 50 to the bottom of the keyboard housing. There simply is no suggestion or teaching in Nopper et al or Richardson to suggest the reconstruction of Richardson to have an upper and lower sheet to wrap around a keyboard. This would seem to be a clear effort at hindsight reconstruction in using applicants' invention as a guide. Even moreso with the alleged inclusion; Weill et al who discloses a laptop computer cover so that the same may be used outdoors in inclement weather and many other hazards. Admittedly, Weill et al does have an upstanding pocket 14 and a horizontal pocket 16, such construction would not seem to teach anyone skilled in the art to somehow reconstruct Richardson to somehow change his single sheet into two pockets which intersect or even one pocket. Neither Nopper et al nor Weill et al is designed to be disposable with only limited use between patients, for example.

Accordingly, applicants believe that it would not at all be obvious to reconstruct Richardson with either or both Nopper et al and/or Weill et al to somehow "wrap around the keyboard" and to surround "a keyboard which is completely disposable and replaceable to protect the keyboard from contaminants", as asserted by the Examiner.

With respect to Claims 26 and 27, applicants do not deny the Examiner's statement, but how would this be taken as obvious within the meaning of 35 USC 103 in reconstructing Richardson and for what motivation?

With respect to Claims 27 and 38, Weill et al does include an open back end 12 of the cover through which the laptop computer may be slid thereinto. Applicants are not quite sure how one would open the closed laptop into the positions shown by Weill et al, but applicants assume that such is the problem of Weill et al. While providing a sleeping bag with usually at least a zippered opening along one side and an open end for the head is well known, applicants are not aware of all of the various closeable openings of sleeping bags or pillow cases or the like. Applicants do know for the preferred embodiment of this invention the elongated opening along the top with closed ends and bottom renders applicants' covers universally useable. The simplicity of applicants' invention should not distract from the

non-obviousness of applicant's claimed invention to those having ordinary skill in the art. Here we are not referring to other inventors or even to Examiners who likely possess extraordinary skill in the art.

Even Richardson likely knew most of the prior art but took a much different approach than applicants. Applicants believe that the art teaches away from applicants invention and as such, this is indicative of non-obviousness.

See, for example, Application of Ehrreich (CCPA 1979) 590 F2d 902, 200 U.S.P.Q. 504; U.S.P.Q. 504; W.L. Gore & Associates, Inc. v. Garlock, Inc. (CAFC 1983) 721 F2d 1540, F2d 1540, 220 U.S.P.Q. 220 (cert. den.). Also in Radio Steel & Mfg. Co. v. MTD Products, Inc. (CAFC 1984) 731 F2d 840, 221 U.S.P.Q. 657 (cert. den.) the CAFC held that all of the prior art references taught away from the claims of the wheelbarrow in which two piece handles were joined at a location "beneath the bowl". Also see In re Gordon (CAFC 1984) 733 F2d 900, 221 U.S.P.Q. 1125.

Contrary to the Examiner's assertion, the open edge, or edges depend on the various embodiments disclosed herein and certainly has nothing to do with right or left handed of the user.

12. Claims 28-31 and 39 and 40 are believed to be patentable under 35 USC 103(a) over Richardson as set forth above with respect to Claims 21, 24, 32 and 35, and over Crozier. The keyboard enclosure of Crozier is designed to be sealable and resealable, includes a nipple 29 sealed to the side panel to permit the cable to extend, has much more flexible upper portion 16 than lower thicker base 26 (even though may be the same) and a tube 32 (unnumbered in FIG. 2 but see col. 2, lines 64-68 and col. 3 lines 1, 2) to almost vacuum pack the keyboard. If 26 is as shown and is thicker and a sheet, applicants do not believe that the remainder of the bag-like structure, as shown in FIG. 2 can be fabricated (not FIG. 3 that shows the integral interlock between sheet portions 16 of Crozier. The at least one panel 22 of Crozier is transparent would seem to convey to one skilled in the art that Crozier is not fabricated from two identical sheets, particularly if 26 is thicker and opaque as preferred by Crozier. Even if 26 is made out of the same material as 16, what would this obviously suggest to one having ordinary skill in the art with respect to reconstructing Richardson?

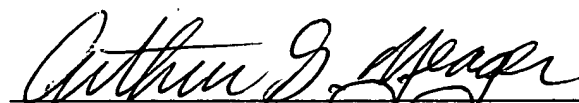
Nowhere in Crozier is there the slightest suggestion that the sheets be identical as called for in the claims. Why would not a person skilled in the art make a bag like Crozier and use it in lieu of Richardson and the other cited prior art? Simply put, too expensive and very awkward to use Crozier, even if it were designed to be readily disposable. Contrary to the assertion one skilled in the art with Richardson and Crozier before him or her would not obviously do what the Examiner suggests in using applicants' disclosure as a guide in picking and choosing from the many individual components known in one field and/or several unrelated fields combined to inappropriately reject applicants' claimed invention.

Applicants do not agree with the Examiner's statements with respect to Claims 29-31 and 40. While 17 may be an end opening, it is sealed like a Zip-Lok bag in use, completely foreign to the instant application. As stated above, the particular open edge or edges are important to the various disclosed embodiments and particularly to the preferred embodiment.

13. The other prior art references are not believed to be as pertinent as those applied.

14. Applicants' undersigned attorney would greatly appreciate an opportunity to conduct a telephone interview with the Examiner prior to any final action on the merits to substantially reduce or eliminate any remaining issues and consider any suggestions of the Examiner.

Respectfully submitted,

  
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